

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRAHEEM POTEAT,)
)
Petitioner,)
)
v.) Civil Action No. 07-639-GMS
)
ELIZABETH BURRIS,)
Acting Warden, and ATTORNEY)
GENERAL OF THE STATE)
OF DELAWARE,)
et. al.,)
)
Respondents.¹)

ORDER OF DISMISSAL

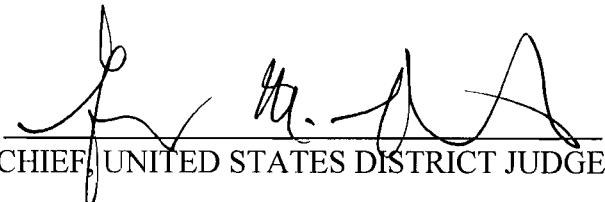
At Wilmington this 17th day of Dec., 2007;

IT IS ORDERED that:

Petitioner Braheem Poteat's request to voluntarily dismiss his § 2254 petition is

GRANTED, and the above-captioned matter is **DISMISSED** without prejudice. (D.I. 5.)

Respondents have not yet served an Answer. Fed. R. Civ. P. 41(a)(1); see Hilton v. Braunskill, 481 U.S. 770, 776 n.5 (1985) (Federal Rules of Civil Procedure may be applied to habeas corpus petitions filed pursuant to 28 U.S.C. § 2254 as long as the Rules are not inconsistent with the Rules Governing Habeas Corpus Cases Under § 2254). The Clerk is directed to close the case.


CHIEF UNITED STATES DISTRICT JUDGE

¹ Acting Warden Elizabeth Burris assumed office in September, 2007, replacing former Warden Thomas Carroll. See Fed. R. Civ. P. 25(d)(1).

